

PATKRI P01AUS

FRI042/01

## COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

## TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original  
☐ design  
☐ supplemental  
☒ National Stage of PCT  
☐ divisional (see added page)  
☐ continuation (see added page)  
☐ continuation-in-part (see added page)

## INVENTORSHIP IDENTIFICATION

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## TITLE OF INVENTION

METHOD FOR THE ELECTROCHEMICAL DETECTION  
OF NUCLEIC ACID OLIGOMER HYBRIDS

## SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
(b) ☐ was filed on \_\_\_\_\_ as  
Serial No. \_\_\_\_\_ or  
Express Mail No. \_\_\_\_\_ as Serial No. (not yet known) and  
was amended on \_\_\_\_\_ (if applicable).  
(c) ☒ was described and claimed in PCT International Application  
No. PCT/EP99/08885 filed on November 19, 1999 and as amended  
under PCT Article 19 on \_\_\_\_\_ (if any).  
(d) ☐ amended on \_\_\_\_\_

## POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name(s) and registration number(s))

Anthony G. M. Davis	Registration No. 27,666
Michael J. Bujold	Registration No. 32,018
Scott A. Daniels	Registration No. 42,462

☐ Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Davis & Bujold, P. L. L. C.  
Fourth Floor  
500 N. Commercial Street  
Manchester, NH 03101-1151

Direct Telephone Calls to:  
(603) 624-9220

Direct Telefaxes to:  
(603) 624-9229

COPY

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations

**PRIORITY CLAIM**

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Germany	198 53 957.6	November 23, 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Germany	199 21 940.0	April 29, 1999	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

☐ We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/38/02B attached hereto.

**DECLARATION**

We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Gerhard HARTWICH

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Nibelungenstraße 10, D-80639 München, FED REP GERMANY

Post Office Address: Same as above Country of Citizenship: Germany

Full name of second joint inventor: Adam HELLER

Inventor's signature: Adam Heller Date: Nov 26, 01

Residence: 7531 Velburn Circle, Austin, Texas 78731, United States of America

Post Office Address: Same as above Country of Citizenship: U.S.A.

**COPY**

**IMPORTANT NOTICE RE  
DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his/her invention thereof;
- (b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;
- (c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

**NOTE:** The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.

**COPY**

PTO/SB-103 (9-96)

Approved for use through 9-30-99. OMB 0651-0032  
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# Declaration and Power of Attorney for Patent Application

## Erklärung für Patentanmeldungen mit Vollmacht

### German Language Declaration

Als nachstehend benannter Erfinder, erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

Method of Electrochemically  
detecting Nucleic Acid Oligomer  
Hybrids

deren Beschreibung hier beigelegt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

- ☒ wurde angemeldet am 19 Nov. 1999  
unter der US-Anmeldenummer oder unter der  
Internationalen Anmeldenummer im Rahmen des  
Vertrags über die Zusammenarbeit auf dem Gebiet  
des Patentwesens (PCT) PCT/EP99/08688  
\_\_\_\_\_ und am  
\_\_\_\_\_ abgeändert (falls  
zutreffend).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

\_\_\_\_\_

the specification of which is attached hereto unless the following box is checked:

- ☐ was filed on \_\_\_\_\_  
as United States Application Number or PCT  
International Application Number  
\_\_\_\_\_ and was amended on  
\_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

(Page 1 of 3)

Duration: Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. A 1 comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

COPY

PTO 85.103 (9-96)

Approved for use through 9/30/99. OMB 0651-0032

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## German Language Declaration

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, U.S. Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfindenurkunden, oder § 365(c) oder PCT internationale Anmeldungen, welche wenigstens ein Land ausser dem Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfindenurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

From Foreign Applications  
(Frühere ausländische Anmeldungen)

19853957.6 Germany  
(Number) (Country)  
(Nummer) (Land)

19921940.0 Germany  
(Number) (Country)  
(Nummer) (Land)

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, U.S. Code, § 119(c) aller US-Hilfsanmeldungen wie unten aufgezählt.

(Application No.) (Filing Date)  
(Anmeldenummer) (Anmeldetag)

(Application No.) (Filing Date)  
(Anmeldenummer) (Anmeldetag)

Ich beanspruche hiermit die mir unter Title 35, U.S. Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in einer gemäß dem ersten Absatz von Title 35, U.S. Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 vom Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentrewesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

PCT/EP99/08888 11/19/99  
(Application No.) (Filing Date)  
(Anmeldenummer) (Anmeldetag)

(Application No.) (Filing Date)  
(Anmeldenummer) (Anmeldetag)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß unwissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des U.S. Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes geführten können.

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(c) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed  
Priorität nicht beansprucht

23 Nov. 1998  
(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

29 Apr. 1999  
(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

I hereby claim the benefit under Title 35, United States Code, § 119(c) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwebend, aufgegeben)

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwebend, aufgegeben)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COPY

PTO/SB/103 (6-99)

Approved for use through 9/30/99. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## German Language Declaration

VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem U.S. Patent- und Markenamt: (Name(n) und Registrationsnummer(n) auflisten)

Postanschrift


Telefonische Auskünfte: (Name und Telefonnummer)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number,

DAVIS & BUJOLD, P.L.L.C.  
500 Commercial Street, 4th Floor  
Manchester, NH 03101 - U.S.A.

Michael J. Bujold  
Send Correspondence to:

Michael J. Bujold, (603) 624-9220x2  
Direct Telephone Calls to: (name and telephone number)

Vor- und Zuname des einzigen oder ersten Erfinders Gerhard HARTWICH	Full name of sole or first inventor
Unterschrift des Erfinders  Datum 04/05/01	Inventor's signature Date
Wohnsitz Nibelungenstr. 10 D-80639 München	Residence
Staatsangehörigkeit Deutsch	Citizenship
Postanschrift Nibelungenstr. 10 D-80638 München Germany	Post Office Address
Vor- und Zuname des zweiten Miterfinders (falls zutreffend)	Full name of second joint inventor, if any Adam HELLER
Unterschrift des zweiten Erfinders Datum	Second Inventor's signature Date
Wohnsitz	Residence 7531 Velburn Circle, Austin, Texas 76731, U.S.A.
Staatsangehörigkeit	Citizenship U.S.A.
Postanschrift	Post Office Address SAME AS ABOVE

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

COPY